

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Tomonori KAWAKAMI, et al.	)	Confirmation No.: 3572
	)	
Application No.: 10/579,755	)	Group Art Unit: 1786
	)	
Filed: May 18, 2006	)	Examiner: Donald Lawrence Tarazano
	)	
For: MICROPARTICLES,	)	
MICROPARTICLES PRODUCTION	)	
METHOD, AND MICROPARTICLE	)	
PRODUCTION APPARATUS	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement ("IDS") is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

Applicants bring to the attention of the Examiner the cited U.S. application publication. In particular, U.S. Application No. 12/213,977 (Attorney Docket No. 46884-5362-01), filed June 26, 2008, published as cited U.S. Publication No. 2008-0265070.

Applicants bring to the attention of the Examiner a Double Patenting rejection that issued in the above-mentioned U.S. Application No. 12/213,977 in an Office Action dated November

20, 2009. A copy of the November 20, 2009 Office Action including this Double Patenting rejection is attached for the Examiner's consideration.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art". If it should be determined that the listed document does not constitute "Prior Art" under the United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

A handwritten signature in black ink, appearing to read "Paul A. Fournier", written over a horizontal line.

Paul A. Fournier  
Reg. No. 41,023

Date: April 21, 2010

**Customer No. 55694**

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